

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Huntington National Bank,
successor-by-merger to TCF
National Bank,

Civ. No. 21-2295 (PAM/BRT)

Plaintiff,

MEMORANDUM AND ORDER

v.

Diagnostic Equipment, Inc., and
Peter Gollan,

Defendants.

This matter is before the Court on Plaintiff's Motion for Default Judgment pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure.

Plaintiff Huntington National Bank filed this lawsuit on October 15, 2021. The summonses for Defendants Diagnostic Equipment, Inc. and Peter Gollan were returned on December 30, 2021 (with service dates of November 23 and October 22, 2021, respectively). (Docket Nos. 7, 8.) Neither Defendant has appeared and neither responded to the Complaint. The Clerk's Office entered default against Defendants on January 12, 2022. (Docket No. 11.)

The Complaint (Docket No. 1) alleges that in October 2020 Defendant Diagnostic Equipment entered into a financing agreement with Plaintiff for the purchase of software and equipment. (Compl. ¶ 8.) Defendant Gollan signed a guaranty for the loan. (Id. ¶ 23.) The total amount financed was \$286,467.31. (Id. ¶ 8.) The parties' agreement also provided that the bank could impose a 10% late fee and charge 18 % interest on any late

payment. (Id. ¶ 10.) When Diagnostic Equipment failed to pay the monthly charge under the agreement, Huntington accelerated the debt and demanded payment in full as allowed under the agreement. (Id. ¶ 14.) The agreement also provides that Defendants are liable for Huntington's attorney's fees and expenses in any collection action. (Id. ¶ 15.)

The Court held a hearing on the Motion on April 21, 2021. Defendants did not appear at the hearing. After the hearing, at the Court's request, Huntington supplemented its submissions with updated calculations of the amounts owed. (Docket No. 20.) Huntington now requests a default money judgment of \$266,941.25 under the terms of the parties' agreement, plus attorney's fees and expenses of \$6,783.85, and applicable post-judgment interest. Having reviewed Huntington's submissions, Huntington has established that it is entitled to the default money judgment it seeks.

Accordingly, **IT IS HEREBY ORDERED** that:

1. Plaintiff's Motion (Docket No. 12) is **GRANTED**; and
2. The Clerk of Court is **DIRECTED** to enter judgment in favor of Plaintiff Huntington National Bank and against Defendants Diagnostic Equipment, Inc. and Peter Gollan, jointly and severally, in the total amount of \$273,725.10, plus any applicable post-judgment interest as allowed by law.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: April 22, 2022

s/Paul A. Magnuson
Paul A. Magnuson
United States District Court Judge